

Article - Alcoholic Beverages

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§2-217.

(a) The purpose of this section is to eliminate the undue stimulation of the sale of alcoholic beverages and the practice of manufacturers granting secret discounts, rebates, allowances, free goods, or other inducements to selected license holders that contribute to a disorderly distribution of alcoholic beverages.

(b) (1) A licensed manufacturer, resident dealer, or nonresident winery permit holder may not discriminate directly or indirectly in price, discounts, or the quality of merchandise sold between:

(i) one dispensary and another dispensary;

(ii) one wholesaler and another wholesaler; or

(iii) one retailer and another retailer that purchases alcoholic beverages that bear the same brand and trade name, and are similar in age and quality.

(2) A nonresident dealer, resident dealer, nonresident winery permit holder, or nonresident unlicensed manufacturer may not use or promote the use of a practice prohibited under paragraph (1) of this subsection to sell or distribute alcoholic beverages to or through a licensed manufacturer, licensed wholesaler, or county dispensary.

(c) A supplier, nonresident dealer, resident dealer, or nonresident winery permit holder may not make a discount, rebate, or depletion allowance that is offered on a product dependent on the pricing policy or practice of the license holder who is invoiced for the product.

(d) (1) This section does not restrict a manufacturer, nonresident dealer, resident dealer, or nonresident winery permit holder from limiting the quantity of alcoholic beverages to be sold to a license holder under a voluntary or compulsory rationing plan.

(2) A manufacturer, nonresident dealer, resident dealer, or nonresident winery permit holder is not required to sell to all license holders from whom orders are received.

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